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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,825	12/21/2000	Muhammad Chishti	AT-00097	4092
46718	7590	11/16/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP (018563) TWO EMBARCADERO CENTER, EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			NGUYEN, PHU K	
			ART UNIT	PAPER NUMBER

2628

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,825

Applicant(s)

CHISHTI ET AL.

Examiner

Phu K. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

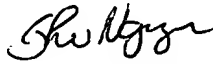
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Sachdeva et al (U.S. Patent No. 6,315,553).

As per claims 1-16, Sachdeva et al discloses a method and system for site treatment of an orthodontic patient comprising processing/reviewing tooth arrangement of a patient by generating digital information regarding the orthodontic patient by a site orthodontic system. The orthodontic system then transmits the digital information to an orthodontic server, which creates an electronic patient record therefrom. The orthodontic server then generates an initial treatment plan includes precise steps to obtain a desired orthodontic structure. The orthodontic server then transmits a digital version of the initial treatment plan to the site orthodontic system (see abstract, Figs. 2, 10-13 and 16) which now clearly anticipates the features as now claimed.

RESPONSE TO APPLICANT'S ARGUMENTS:

Applicant's arguments filed September 22, 2006 have been fully considered but they are not deemed to be persuasive.

Applicant argues that "Sachdeva fails to show at least the electronically transmitting changes to the graphical representation from the viewing computer to the

host computer” which is not correct because Sachdeva’s changed or updated data of the orthodontic patient’s records including the digital images of the orthodontic data after the treatment is electronically sent from the site orthodontic system to the orthodontic server (column 15, lines 49 to column 16, line 10).

Applicant further argues that the modification of orthodontic data such “as disclosed on pages 40-41 of the instant specification, one embodiment of the electronically transmitting changes to the graphical representation is as follows:

“The viewer program allows the clinician to alter the rendered image by manipulating the image graphically. For example, the clinician can reposition an individual tooth by using a mouse to click and drag or rotate the tooth to a desired position. In some implementations, repositioning an individual tooth alters only the rendered image; in other implementations, repositioning a tooth in this manner modifies the underlying data set. In the latter situation, the viewer program performs collision detection to determine whether the attempted alteration is valid and, if not, notifies the clinician immediately. Alternatively, the viewer program modifies the underlying data set and then uploads the altered data set to the remote host, which performs the collision detection algorithm. The clinician also can provide textual feedback to the remote host through a dialog box 2018 in the interface display 2000. Text entered into the dialog box 2018 is stored as a text object and later uploaded to the remote host or, alternatively, is delivered to the remote host immediately via an existing connection.”

However, since the example of such “changes” does not showed in the claims, the claimed “changes” in the independent claim 1 is equivalent to the updated of

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orthodontic patient's data after the initial treatment (Daniels, column 15, lines 49 to column 16, line 10).

Applicant further argues that Daniels does not teach the features in the dependent claims. However, these features are clear taught in Daniels; specifically, Sachdeva shows the specifics of maintaining a second digital data set representing a three- dimensional graphical representation of the patient's teeth in an initial arrangement on the host computer, electronically transmitting the second digital data set to the viewing computer, and displaying the three-dimensional graphical representation of the patient's teeth in the initial arrangement on the viewing computer to the treating clinician (Sachdeva, column 15, line 21 to column 16, line 10); "the graphical representations of the teeth in the final and initial configurations are displayed side-by- side on a display of the viewing computer" (Sachveda, the records of the initial and after-treatment configurations are available for displaying in the site orthodontic system); "the digital data set is displayed as an animated routine" (Sachveda, the video data of the orthodontic patient structure at all stages is recorded for a later display; column 17, lines 6-8); "the treating clinician manipulates the animation routine on the viewing computer to step forward or backward through images along a treatment path" (Sachveda, the video data of the orthodontic patient structure along a treatment path is recorded for a later display forward or backward through images along a treatment path by any viewer); "altering a three-dimensional image displayed on the viewing computer, wherein the altered image may be electronically transmitted to the host computer" (Sachveda, the adjustment of a misplaced bracket will alter the 3D image on the viewing

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computer and the adjustment data can be transmitted to the orthodontic server; column 15, lines 3-17; and column 16, lines 55-58); “detecting tooth collisions resulting from the altered image and altering the treating clinician” (Sachveda, the visual image of patient’s orthodontic structure (teeth position, movement, ...; column 5, lines 47-58) shows the defective orthodontic treatments including teeth collisions to the treating clinician, column 15, lines 3-17, and column 16, lines 55-58); “electronically transmitting the revised digital data set to the viewing computer, displaying a revised three-dimensional graphical representation on the viewing computer to the treating clinician, and electronically transmitting further changes to the graphical representation or comments of the treating clinician from the viewing computer to the host computer” (Sachveda, column 15, line 20 to column 16, line 25).

The claimed orthodontic system is clearly anticipated by Sachveda’s orthodontic system in which the site orthodontic system performs the collection of data and implements the treatments remotely sent by the orthodontic server. Sachveda’s site orthodontic system is a computer workstation (column 5, lines 12-17), which is capable of recording and playing the digital video data on its screen for diagnostic by the orthodontic experts.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phu Nguyen
November 04, 2006


PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300